

House File 187 - Introduced

HOUSE FILE 187

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A BILL FOR

1 An Act relating to the prevention of bullying in school
2 districts and accredited nonpublic schools and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.9, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 63. Develop and make available to
4 school districts and accredited nonpublic schools, training
5 information and materials which schools, school employees,
6 and parents may use to recognize and appropriately address
7 harassment and bullying, including cyberbullying, as defined
8 in section 280.28. In developing the training information
9 and materials, the director shall consult with entities
10 that include but are not limited to the departments of
11 human services, public health, and public safety, education
12 stakeholders, parent-teacher organizations, and other
13 interested stakeholders. School districts shall dedicate
14 at least one day of professional development to providing
15 such training to practitioners, and shall incorporate the
16 information and materials in the school district's employee
17 training program, which shall be provided to full-time and
18 part-time school employees, to volunteers who have significant
19 contact with students, and to persons the school district
20 has contracted with to provide services to students. Such
21 information shall supplement and not supplant any bullying or
22 harassment information and materials already provided by a
23 school district, or any efforts by a school district's school
24 improvement advisory committee, or any local community campaign
25 of awareness relating to bullying and harassment. Training
26 information and materials developed and made available by the
27 director pursuant to this subsection shall include or provide
28 for the following:

29 a. Developmentally appropriate and age-appropriate
30 strategies to prevent bullying and harassment among students in
31 school and outside the school setting.

32 b. Developmentally appropriate and age-appropriate
33 strategies for immediate and effective interventions to stop
34 bullying and harassment.

35 c. Information regarding the interaction and relationship

1 between students committing acts of bullying or harassment,
2 students against whom such acts are directed, and witnesses of
3 such acts.

4 *d.* Research findings on bullying and harassment, such as
5 information about the types of students who have been shown to
6 be at risk for bullying or harassment in the school setting.

7 *e.* Information on the frequency and nature of cyberbullying,
8 as defined in section 280.28.

9 *f.* Internet safety issues as they relate to cyberbullying
10 as defined in section 280.28.

11 Sec. 2. Section 256.16, subsection 1, Code 2013, is amended
12 by adding the following new paragraph:

13 NEW PARAGRAPH. *d.* Require, beginning July 1, 2014, students
14 to successfully complete training on how to prevent, recognize,
15 address, and stop bullying and harassment behaviors, and
16 provide students with information on the effects of bullying
17 and harassment.

18 Sec. 3. Section 257.9, subsection 7, Code 2013, is amended
19 to read as follows:

20 *7. Professional development supplement state cost per pupil.*

21 *a.* For the budget year beginning July 1, 2009, for the
22 professional development supplement state cost per pupil, the
23 department of management shall add together the professional
24 development allocation made to each district for the fiscal
25 year beginning July 1, 2008, pursuant to section 284.13,
26 subsection 1, paragraph "d", Code 2009, and divide that sum
27 by the statewide total budget enrollment for the fiscal year
28 beginning July 1, 2009.

29 *b.* The professional development supplement state cost
30 per pupil for the budget year beginning July 1, 2010, and
31 succeeding budget years beginning before July 1, 2013, shall
32 be the amount calculated by the department of management under
33 this subsection for the base year plus an allowable growth
34 amount that is equal to the professional development supplement
35 categorical state percent of growth, pursuant to section

1 257.8, subsection 2, for the budget year, multiplied by the
2 amount calculated by the department of management under this
3 subsection for the base year.

4 c. The professional development supplement state cost per
5 pupil for the budget year beginning July 1, 2013, shall be
6 the amount calculated by the department of management under
7 this subsection for the base year, plus twenty dollars, plus
8 an allowable growth amount that is equal to the professional
9 development supplement categorical state percent of growth,
10 pursuant to section 257.8, subsection 2, for the budget year,
11 multiplied by the amount calculated by the department of
12 management under this subsection for the base year.

13 d. The professional development supplement state cost
14 per pupil for the budget year beginning July 1, 2014, and
15 succeeding budget years, shall be the amount calculated by
16 the department of management under this subsection for the
17 base year plus an allowable growth amount that is equal to
18 the professional development supplement categorical state
19 percent of growth, pursuant to section 257.8, subsection 2, for
20 the budget year, multiplied by the amount calculated by the
21 department of management under this subsection for the base
22 year.

23 Sec. 4. Section 257.10, subsection 10, paragraph a, Code
24 2013, is amended to read as follows:

25 a. (1) For the budget year beginning July 1, 2009,
26 the department of management shall divide the professional
27 development allocation made to each district for the fiscal
28 year beginning July 1, 2008, pursuant to section 284.13,
29 subsection 1, paragraph "d", Code 2009, by the district's
30 budget enrollment in the fiscal year beginning July 1, 2009,
31 to determine the professional development supplement cost per
32 pupil.

33 (2) For the budget year beginning July 1, 2010, and
34 succeeding budget years beginning before July 1, 2013, the
35 professional development supplement district cost per pupil

1 for each school district for a budget year is the professional
 2 development supplement district cost per pupil for the base
 3 year plus the professional development supplement state
 4 allowable growth amount for the budget year.

5 (3) (a) For the budget year beginning July 1, 2013, the
 6 professional development supplement district cost per pupil
 7 for each school district for a budget year is the professional
 8 development supplement district cost per pupil for the base
 9 year plus the professional development supplement state
 10 allowable growth amount for the budget year, plus twenty
 11 dollars.

12 (b) For purposes of determining the amount of a budget
 13 adjustment pursuant to paragraph "b" of this subsection,
 14 for a school district which calculated allowable growth for
 15 the budget year beginning July 1, 2013, pursuant to this
 16 subparagraph (3), the department of management shall subtract
 17 twenty dollars from the school district's professional
 18 development supplement district cost per pupil for the budget
 19 year beginning July 1, 2013, prior to determining the amount
 20 of the adjustment.

21 (4) For the budget year beginning July 1, 2014, and
 22 succeeding budget years, the professional development
 23 supplement district cost per pupil for each school district
 24 for a budget year is the professional development supplement
 25 district cost per pupil for the base year plus the professional
 26 development supplement state allowable growth amount for the
 27 budget year.

28 Sec. 5. Section 280.12, subsection 2, paragraph f, Code
 29 2013, is amended to read as follows:

30 f. Harassment or bullying prevention goals, programs,
 31 training, and other initiatives. Each committee shall
 32 develop by July 1, 2014, a plan for counseling the victims of
 33 bullying and harassment and the victims' families, and the
 34 school district or school shall post the committee's plan
 35 on the school district or school internet site. The school

1 district and school shall include the plan in its comprehensive
 2 school improvement plan submitted pursuant to section 256.7,
 3 subsection 21.

4 Sec. 6. Section 280.28, subsections 1, 4, 5, 6, and 7, Code
 5 2013, are amended to read as follows:

6 1. *Purpose — findings — policy.* The state of Iowa is
 7 committed to providing all students with a safe and civil
 8 school environment in which all members of the school community
 9 are treated with dignity and respect. The general assembly
 10 finds that a safe and civil school environment is necessary
 11 for students to learn and achieve at high academic levels.
 12 Harassing and bullying behavior can seriously disrupt the
 13 ability of school employees to maintain a safe and civil
 14 environment, and the ability of students to learn and succeed.
 15 Cyberbullying is an especially insidious form of bullying that
 16 occurs most often outside school, but nonetheless affects the
 17 school process, impeding the ability of students to learn and
 18 succeed. School districts and schools should be wary of a
 19 bully's ability to use technology to reach a broad audience,
 20 frequently anonymously. Therefore, it is the policy of the
 21 state of Iowa that school employees, volunteers, and students
 22 in Iowa schools shall not engage in harassing or bullying
 23 behavior.

24 4. *Programs encouraged.* The board of directors of a school
 25 district and the authorities in charge of each accredited
 26 nonpublic school are encouraged to establish programs designed
 27 to eliminate harassment and bullying, including cyberbullying,
 28 in schools. To the extent that funds are available for these
 29 purposes, school districts and accredited nonpublic schools
 30 shall do the following:

31 a. Provide training ~~on antiharassment and antibullying~~
 32 ~~policies~~ relating to the policy adopted pursuant to subsection
 33 3 to school employees and volunteers who have significant
 34 contact with students.

35 b. Develop a process to provide school employees,

1 volunteers, and students with the skills and knowledge to
 2 help reduce incidents of harassment and bullying, including
 3 cyberbullying.

4 5. *Immunity.* A school employee, volunteer, or student, or
 5 a student's parent or guardian who promptly, reasonably, and
 6 in good faith reports an incident of harassment or bullying,
 7 including but not limited to cyberbullying, in compliance with
 8 the procedures in the policy adopted pursuant to this section,
 9 to the appropriate school official designated by the school
 10 district or accredited nonpublic school, shall be immune from
 11 civil or criminal liability relating to such report and to
 12 participation in any administrative or judicial proceeding
 13 resulting from or relating to the report.

14 6. *Collection requirement.* The board of directors of
 15 a school district and the authorities in charge of each
 16 nonpublic school shall develop and maintain a system to collect
 17 ~~harassment and bullying incidence data~~ on reported incidences
 18 of harassment and bullying, including but not limited to
 19 cyberbullying, brought to the attention of the school district
 20 or school.

21 7. *Integration of policy and reporting.* The board of
 22 directors of a school district and the authorities in charge
 23 of each nonpublic school shall integrate ~~its antiharassment~~
 24 ~~and antibullying~~ the policy adopted pursuant to subsection 3
 25 into the comprehensive school improvement plan required under
 26 section 256.7, subsection 21, and shall report data collected
 27 under subsection 6, as specified by the department, to the
 28 local community.

29 Sec. 7. Section 280.28, subsection 2, Code 2013, is amended
 30 by adding the following new paragraph:

31 NEW PARAGRAPH. *0a.* "Cyberbullying" means harassment or
 32 bullying which occurs through electronic means.

33 Sec. 8. Section 280.28, subsection 2, paragraph a, Code
 34 2013, is amended to read as follows:

35 *a.* "Electronic" means any communication involving the

1 transmission of information by wire, radio, optical cable,
2 electromagnetic, or other similar means. "*Electronic*" includes
3 but is not limited to communication via electronic mail,
4 internet-based ~~communications~~ communication, pager service,
5 internet site, cell ~~phones~~ phone, and electronic text messaging
6 or other social media.

7 Sec. 9. Section 280.28, subsection 2, paragraph b,
8 unnumbered paragraph 1, Code 2013, is amended to read as
9 follows:

10 "*Harassment*" and "*bullying*", which shall include
11 cyberbullying, shall be construed to mean any ~~electronic~~,
12 written, verbal, or physical act, gesture, or conduct toward
13 a student which is based on any actual or perceived trait or
14 characteristic of the student and which creates an objectively
15 hostile school environment that meets one or more of the
16 following conditions:

17 Sec. 10. Section 280.28, subsection 3, Code 2013, is amended
18 to read as follows:

19 3. *Policy*. On or before September 1, ~~2007~~ 2014, the board
20 of directors of a school district and the authorities in charge
21 of each accredited nonpublic school shall adopt a policy
22 declaring harassment and bullying, including cyberbullying,
23 in schools, on school property, and at any school function,
24 or school-sponsored activity regardless of its location,
25 in a manner consistent with this section, as against state
26 and school policy. The policy shall specify procedures
27 for proper reporting and investigation of allegations of
28 harassment or bullying, including cyberbullying, based on the
29 conditions specified in subsection 2, paragraph "b". The
30 board and the authorities shall make a copy of the policy
31 available to all school employees, volunteers, students, and
32 parents or guardians and shall take all appropriate steps to
33 bring the policy against harassment and bullying, including
34 cyberbullying, and the responsibilities set forth in the policy
35 to the attention of school employees, volunteers, students, and

1 parents or guardians. Each policy shall, at a minimum, include
2 all of the following components:

3 a. A statement declaring harassment and bullying, including
4 cyberbullying, to be against state and school policy. The
5 statement shall include but not be limited to the following
6 provisions:

7 (1) School employees, volunteers, and students in school,
8 on school grounds or property, or at any school function or
9 school-sponsored activity shall not engage in harassing and
10 bullying, including cyberbullying, behavior.

11 (2) School employees, volunteers, and students who are
12 not in school or on school grounds or property shall not
13 engage in harassing or bullying behavior that meets either
14 of the conditions specified in subsection 2, paragraph "b",
15 subparagraph (1) or (2).

16 ~~{2}~~ (3) School employees, volunteers, and students shall
17 not engage in reprisal, retaliation, or false accusation
18 against a victim, witness, or an individual who has reliable
19 information about such an act of harassment or bullying,
20 including cyberbullying.

21 b. A definition of harassment and bullying, including
22 cyberbullying, as set forth in this section.

23 c. A description of the type of behavior expected from
24 school employees, volunteers, parents or guardians, and
25 students relative to prevention measures, reporting, and
26 investigation of an allegation of harassment or bullying,
27 including cyberbullying.

28 d. The consequences and appropriate remedial action for a
29 person who violates the ~~antiharassment and antibullying~~ policy.

30 e. A procedure for reporting an alleged act of harassment or
31 bullying, including cyberbullying; including the identification
32 by job title of the school official responsible for ensuring
33 that the policy is implemented, and the identification of the
34 person or persons responsible for receiving reports of alleging
35 harassment or bullying, including cyberbullying.

1 *f.* A procedure for the prompt investigation of complaints,
2 either identifying the school superintendent or the
3 superintendent's designee as the individual responsible for
4 conducting the investigation, including a statement that
5 investigators will consider the totality of circumstances
6 presented in determining whether conduct objectively
7 constitutes harassment or bullying, including cyberbullying,
8 under this section.

9 *g.* A procedure for reporting to the school district
10 superintendent, the superintendent's designee, or the
11 authorities in charge of the school, an alleged incident
12 of cyberbullying. If an electronic device provided by
13 the school was used in an alleged cyberbullying incident,
14 the superintendent, the superintendent's designee, or
15 the authorities may require the student suspected of the
16 cyberbullying to return the device to the school and may report
17 the incident to local law enforcement. The superintendent, the
18 superintendent's designee, or the authorities shall report the
19 incident to local law enforcement if school-provided electronic
20 devices were not used in the alleged incident.

21 *h.* A procedure for the prompt investigation by the school
22 district superintendent, the superintendent's designee, or
23 the authorities in charge of the school, of an alleged act of
24 harassment or bullying, including cyberbullying.

25 *i.* A procedure for recommending that available community
26 mental health care options be provided to a student, if
27 deemed appropriate, based upon the results of an investigation
28 conducted pursuant to paragraph "h".

29 ~~*g.*~~ *j.* A statement of the manner in which the policy will
30 be publicized.

31 Sec. 11. Section 282.18, subsection 5, Code 2013, is amended
32 to read as follows:

33 5. Open enrollment applications filed after March 1
34 of the preceding school year that do not qualify for good
35 cause as provided in subsection 4 shall be subject to the

1 approval of the board of the resident district and the board
2 of the receiving district. The parent or guardian shall send
3 notification to the district of residence and the receiving
4 district that the parent or guardian seeks to enroll the
5 parent's or guardian's child in the receiving district. A
6 decision of either board to deny an application filed under
7 this subsection involving repeated acts of harassment or
8 bullying, including cyberbullying, as defined in section
9 280.28, of the student or serious health condition of the
10 student that the resident district cannot adequately address,
11 is subject to appeal under section 290.1. The state board
12 shall exercise broad discretion to achieve just and equitable
13 results that are in the best interest of the affected child or
14 children.

15 Sec. 12. Section 284.6, subsection 3, Code 2013, is amended
16 to read as follows:

17 3. A school district shall incorporate a district
18 professional development plan into the district's comprehensive
19 school improvement plan submitted to the department in
20 accordance with section 256.7, subsection 21. The district
21 professional development plan shall include a description of
22 the means by which the school district will provide access
23 to all teachers in the district to professional development
24 programs or offerings that meet the requirements of subsection
25 1. The plan shall align all professional development with
26 the school district's long-range student learning goals and
27 the Iowa teaching standards. The plan shall indicate the
28 school district's approved professional development provider
29 or providers. The plan shall provide, for the fiscal year
30 beginning July 1, 2013, and each fiscal year thereafter, an
31 amount of time for professional development equivalent to the
32 amount of time the school district provided for professional
33 development for teachers for the 2012-2013 school year plus the
34 equivalent of at least one additional contract day.

35 Sec. 13. PRACTITIONER PREPARATION PROGRAM PLANS FOR

1 TRAINING RELATING TO BULLYING AND HARASSMENT. Each
 2 practitioner preparation program approved pursuant to section
 3 256.7, subsection 3, shall develop a plan for training that
 4 meets the requirements of section 256.16, subsection 1,
 5 paragraph "d", as enacted in this Act. The plan shall be
 6 submitted to the state board of education for approval by
 7 January 1, 2014. If the initial plan is not approved by the
 8 state board, it shall be returned to the program by March 29,
 9 2014, with a description of the plan's deficiencies. The
 10 program may submit a revised plan to the state board by April
 11 29, 2014. If the revised plan is not approved by the state
 12 board, the state board shall reevaluate its approval of the
 13 practitioner preparation program.

14 Sec. 14. EFFECTIVE DATES. The following provision or
 15 provisions of this Act take effect on the following dates:

16 1. The section of this Act amending section 257.9,
 17 subsection 7, and the section of this Act amending section
 18 257.10, subsection 10, take effect upon enactment for the
 19 computation of state school aid for budget years beginning on
 20 or after July 1, 2013.

21 2. The section of this Act amending section 280.28,
 22 subsection 3, takes effect July 1, 2014.

23 EXPLANATION

24 This bill expands current Code provisions relating to
 25 the definition of bullying and to harassment and bullying
 26 policies each school district and accredited nonpublic school
 27 is required to adopt; requires the director of the department
 28 of education to develop and make available to school districts
 29 and accredited nonpublic schools training information and
 30 materials which schools, school employees, and parents may use
 31 to recognize and appropriately address bullying and harassment,
 32 including cyberbullying; directs approved practitioner
 33 preparation programs to require, beginning July 1, 2014,
 34 students to successfully complete training on how to prevent,
 35 recognize, address, and stop bullying and harassment behaviors,

1 and to provide students with information on the effects of
2 bullying and harassment; and provides for an additional day of
3 professional development.

4 The bill increases the professional development supplement
5 categorical state cost per pupil and the professional
6 development supplement district cost per pupil under the
7 school aid formula to provide school districts with funding
8 for an additional day of professional development which
9 school districts must include in their district professional
10 development plan. The bill also provides that for purposes
11 of determining whether a school district will receive a
12 budget adjustment based on whether its unadjusted professional
13 development supplement district cost for a budget year is less
14 than 100 percent of the base year, the department of management
15 shall subtract \$20 from the school district's professional
16 development supplement district cost per pupil for the budget
17 year beginning July 1, 2013. These provisions take effect upon
18 enactment for the computation of state school aid for budget
19 years beginning on or after July 1, 2013.

20 The additional professional development day the school aid
21 formula moneys pay for must be used to provide training on how
22 to recognize and appropriately address harassment and bullying
23 behavior, including cyberbullying.

24 In developing the training information and materials,
25 the director must consult with related state agencies and
26 education stakeholders. School districts must incorporate the
27 information and materials in their employee training programs,
28 which shall also be provided to volunteers and other service
29 providers who have significant contact with students.

30 The training information and materials must include or
31 provide for developmentally appropriate and age-appropriate
32 strategies to prevent or stop bullying and harassment among
33 students within and outside the school setting; information
34 regarding the interaction and relationship between students
35 committing acts of bullying or harassment, students against

1 whom such acts are directed, and witnesses of such acts;
2 research findings on bullying and harassment, such as
3 information about the types of students who have been shown to
4 be at risk for bullying or harassment in the school setting;
5 and information on the frequency and nature of cyberbullying
6 and on internet safety issues.

7 School districts and accredited nonpublic schools must
8 utilize their school improvement advisory committees'
9 recommendations to determine harassment or bullying prevention
10 goals, programs, training, and other initiatives. Each
11 committee must develop by July 1, 2014, a plan for counseling
12 the victims of bullying and harassment and the victims'
13 families, and the school district or school must post the plan
14 on its internet site. The school district and school shall
15 include the plan in the annual comprehensive school improvement
16 plan it submits to the department.

17 The general assembly's findings are updated to provide that
18 cyberbullying is an especially insidious form of bullying that
19 occurs most often outside school, but nonetheless affects the
20 school process, impeding the ability of students to learn and
21 succeed.

22 The bill makes a number of changes in Code section 280.28,
23 which prohibits harassment and bullying in schools, requires
24 schools to adopt a policy, and provides for immunity for a
25 school employee, volunteer, or student, or a student's parent
26 or guardian who promptly, reasonably, and in good faith reports
27 an incident of harassment or bullying.

28 The bill modifies the definition of "harassment" and
29 "bullying" to add gestures to the behaviors which may create
30 an objectively hostile school environment, and to include
31 cyberbullying in the definition. The bill also expands
32 the definition of "electronic" to include communication
33 via internet site or other social media. The bill defines
34 "cyberbullying" as harassment or bullying by electronic means.

35 Effective July 1, 2014, the policy school districts and

1 accredited nonpublic schools must adopt on or before September
2 1, 2014, must include cyberbullying. The bill expands policy
3 requirements to add school grounds to the areas where school
4 employees, volunteers, and students are prohibited from
5 engaging in harassing and bullying behavior, and further
6 prohibits such persons from engaging in harassment or bullying
7 behavior off school property or grounds if the behavior places
8 the student in reasonable fear of harm to the student's person
9 or property or has a substantially detrimental effect on the
10 student's physical or mental health.

11 Under the bill, the policy must also include a procedure
12 for reporting to the school district superintendent, the
13 superintendent's designee, or the authorities in charge of
14 the school, an alleged incident of cyberbullying. If an
15 electronic device provided by the school was used in an alleged
16 cyberbullying incident, the superintendent or designee or
17 the authorities may require the student suspected of the
18 cyberbullying to return the device to the school and may report
19 the incident to local law enforcement. If the alleged incident
20 did not involve a school-provided electronic device, the
21 superintendent or designee or the authorities shall report the
22 incident to local law enforcement.

23 The policy must also include a procedure for the prompt
24 investigation, by the school district superintendent, designee,
25 or the authorities in charge of the school, of an alleged
26 act of harassment or bullying; as well as a procedure for
27 recommending that available community mental health care
28 options be provided a student, if deemed appropriate, based
29 upon the results of an investigation.

30 A provision that allows a parent to appeal to the state board
31 of education a school board's denial of an open enrollment
32 application is amended to add denial of an application
33 involving repeated acts of bullying, including cyberbullying,
34 to the types of school board decisions which may be appealed.

35 Finally, the bill directs each approved practitioner

1 preparation program to develop a plan for training students
2 on how to prevent, recognize, address, and stop bullying and
3 harassment behaviors, and provide students with information
4 on the effects of bullying and harassment. The plan must
5 be submitted to the state board for approval by January 1,
6 2014. If the initial plan is not approved by the state board,
7 it shall be returned to the program by March 29, 2014, with
8 a description of the plan's deficiencies. The program may
9 submit a revised plan to the state board by April 29, 2014.
10 If the revised plan is not approved by the state board, the
11 state board shall reevaluate its approval of the practitioner
12 preparation program.